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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,277	07/08/2003	Haruyoshi Ono	030824	7735

38834 7590 04/17/2007  
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
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WASHINGTON, DC 20036

EXAMINER
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VAN ROY, TOD THOMAS

ART UNIT	PAPER NUMBER
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2828

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/614,277	Applicant(s) ONO ET AL.	
	Examiner <i>WJR</i> Tod T. Van Roy	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/26/2007 has been entered.

### ***Response to Amendment***

The examiner acknowledges the amending of claims 1, 5, 9, 14, 15, 19, 20, and 24.

### ***Response to Arguments***

Applicant's arguments filed 12/28/2006 have been fully considered but they are not persuasive.

The applicant has amended the claims to include a limitation wherein the laser module can be operated within the predetermined power intensity and predetermined temperature ranges when the laser module does not have the 'optimum' power intensity. The examiner does not believe that this distinguishes the current application from that of the cited prior art. As can be seen from figure 3a, the  $\lambda_{const}$  line extends over multiple points while remaining within the predetermined power/temperature ranges. As long as there is more than one point available on the

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line, and in the range, one of those points can be considered less 'optimal' than another. As no optimal power intensity value has been defined, it is believed that the prior art continues to read on the claims as amended.

Please see below for an updated rejection to the claims.

***Claim Rejections - 35 USC § 102***

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 9-24 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's disclosed prior art (hereafter 'prior art').

With respect to claims 9 and 19, the prior art discloses a setting value generating device that generates such a setting value that causes laser light emitted from a laser module to have a predetermined wavelength ( $\lambda$  target, spec. pg.4 line 17) and satisfies predetermined temperature conditions and predetermined power intensity conditions (fig.3a, defined temp / power ranges), the setting value generating device comprising: an optimum power intensity calculating unit (fig.1 #120) that calculates an optimum power intensity (pg.4 lines 5-11, P\_cent calculated as difference between P\_High and P\_Low of the predetermined power range) that maintains the predetermined wavelength and satisfies a predetermined temperature range and a predetermined power intensity range (maintained via APC feedback); an optimum temperature calculating unit (fig.1 #120) that calculates an optimum temperature (pgs.4-5 lines 37-9) that maintains the predetermined wavelength and satisfies the predetermined temperature range and the predetermined power range (via the control feedback loop); and a setting value generating unit (fig.1 #120) that generates the

setting value based on the optimum power intensity calculated by the optimum power intensity calculating unit and the optimum temperature calculated by the optimum temperature calculating unit (setting values generated based on temp/wavelength/power, pg.6 lines 17-21), wherein the laser module can be operated within the predetermined temperature range and the predetermined power intensity range even when the laser module does not have the optimum power intensity (As can be seen from figure 3a, the  $\lambda_{const}$  line extends over multiple points while remaining within the predetermined power/temperature ranges. As long as there is more than one point available on the line, and in the range, one of those points can be considered less 'optimal' than another.).

With respect to claims 10 and 20, the prior art discloses a relational expression defining unit (fig.1 #120) that defines a relational expression between a temperature and a power intensity that causes the laser module to maintain the predetermined wavelength ( $T_{cal}$  defined on pg.4, relating temperature, wavelength, and inherently relating the power intensity as the power intensity applied to the device influences both the temperature of the device itself, as well as the wavelength the device is outputting under the current conditions); a power intensity upper and lower limit defining unit (fig.1 #120, shown defined in fig.3a) that defines an upper limit value and a lower limit value of a power intensity that satisfies the relational expression and also satisfies the predetermined temperature range and the predetermined power intensity range ( $P_{High}$ ,  $P_{Low}$ ); wherein the optimum power intensity calculating unit calculates the optimum power intensity that is the middle value between the upper limit value and the

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lower limit value of the power intensity defined by the power intensity upper and lower limit defining unit (see claim 1); and the optimum temperature calculating unit substitutes the optimum power intensity calculated by the optimum power intensity calculating unit in the relational expression defined by the relational expression defining unit (see claim 1, also, the P\_cent value is set prior to the temp feedback loop, so the value would be used in the calculation as described in the rejection to claim 1, fig.2 S14).

With respect to claims 11 and 21, the prior art discloses the laser module can vary wavelengths (inherent, set target wavelength would not be necessary if only 1 wavelength were possible), and the setting value is generated in relation with each of the wavelengths (setting value generated with chosen target wavelength).

Claim s12 and 22 are rejected for the reasons outline in the rejections to claims 10 and 11. The prior art has disclosed the presence of multiple wavelengths being present in the transmitting device, each being stabilized when appropriately selected. It is inherent that there would be a shortest wavelength and a longest wavelength available, and that the relational expression unit, and power and temperature calculating unit (fig.1 #120) would control the shortest and longest wavelength conditions respectively.

With respect to claims 13 and 23, the prior art discloses a setting value storage unit that stores the setting value generated by the setting value generating unit, wherein the laser module contains unique identification information, and the setting value

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storage unit relates the setting value to the unique identification information and stores the setting value (pg.6 lines 17-24).

Claims 14-18 are rejected for the same reasons given in the rejection to claims 9-13, as they are the methods for calculating the setting value that has been disclosed in the prior art.

Claim 24 is rejected for the same reasons given for the rejection to claims 9 and 19 above, as it is inherent that a recording medium of some type must be present for the computer functioning as the calculating unit to run the given program since the program itself must have been recorded to be read by the computer.

### ***Conclusion***

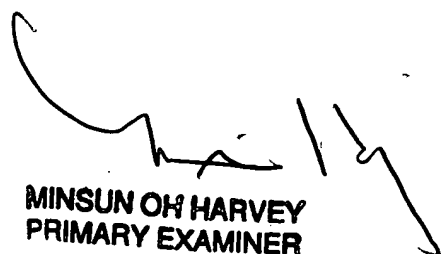
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod T. Van Roy whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVR



**MINSUN OH HARVEY**  
**PRIMARY EXAMINER**